

# **Exhibit 5**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

-----x  
COALITION FOR TJ, :  
Plaintiff, :  
v. : Civil Action No.:  
FAIRFAX COUNTY SCHOOL : 1:21-cv-00296-CMH-JFA  
BOARD, :  
Defendant. :

-----x  
Deposition of Coalition for TJ  
By and through its Designee  
GLENN MILLER  
McLean, Virginia  
Monday, October 18, 2021  
2:18 p.m.

Job No.: 404859

Pages: 1 - 137

Reported by: Judith E. Bellinger, RPR, CRR

Transcript of Glenn Miller, Designee  
Conducted on October 18, 2021

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1 Deposition of GLENN MILLER, held at the  
2 offices of:

3

4 HUNTON ANDREWS KURTH LLP

5 8405 Greensboro Drive

6 Suite 140

7 McLean, VA 22102

8 703.714.7400

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14 Pursuant to notice, before Judith E.

15 Bellinger, Registered Professional Reporter,

16 Certified Realtime Reporter, and Notary Public in

17 and for the Commonwealth of Virginia.

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

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## 1 C O N T E N T S

## 2 EXAMINATION OF GLENN MILLER PAGE

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## 5 E X H I B I T S

6 (Attached to the transcript)

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10 Thomas Jefferson High School For  
11 Science and Technology12 Exhibit 13 Email from Helen Miller to various 68  
13 recipients, September 29, 202014 Exhibit 14 Coalition for TJ "Second-Look 77  
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20 recipients, October 3, 202021 Exhibit 17 November 17, 2020 Coalition for TJ 108  
22 press release

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1 E X H I B I T S C O N T I N U E D

2 Previously Marked:

3 Coalition Exhibit:

4 Exhibit 1 Defendant's Notice of Deposition of 10  
5 Plaintiff

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1 by key board members. And there was displeasure  
2 expressed to the superintendent, Scott Brabrand,  
3 about his policy and his reaction was "Well, you  
4 asked me for a policy; I came up with a policy.  
5 If you don't like it, I'll have to come up with  
6 another one."

7 Q So who are the board members that you  
8 say asked for racial balancing?

9 A Ricardy Anderson requested that the  
10 racial demographics of TJ reflect that of the --  
11 of the rest of the -- of the catchment area, in  
12 particular, Fairfax County. The -- certain  
13 Fairfax County officials made statements that they  
14 wanted the racial demographics of TJ to reflect  
15 that of the rest of the county. And taking them  
16 at their word, that would suggest that there would  
17 be more -- substantially more Blacks and  
18 substantially more Hispanics. And this lottery  
19 proposal, based on our calculations, would not  
20 dramatically increase the number of Blacks and  
21 Hispanics anywhere close to what the county's  
22 demographic would indicate, because no effort was

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1 influential in the direction of Fairfax County  
2 because he had indicated that he had sent out a  
3 statement that the counties had to address  
4 governor school admissions and take corrective  
5 action on their admissions, and our understanding  
6 was that Fairfax County was attempting to "get out  
7 ahead" of what they thought Atif Qarni was going  
8 to demand that they do. So we included him as a  
9 result.

10 Q Okay. And, so, this is signed Helen  
11 Miller on behalf of the Coalition for TJ.

12 A Uh-huh.

13 Q So was there a discussion amongst  
14 members of the Coalition for TJ to have Helen  
15 Miller send this email?

16 A Yes.

17 Q Okay. And who, amongst the Coalition  
18 for TJ -- who within the Coalition for TJ  
19 determined that Helen Miller should send this  
20 email?

21 A I don't recall. I think it was a  
22 consensus that she would be the -- she would send



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1 support from the vast majority of groups."

2 What are the various interests and the  
3 groups that are being referenced in this sentence?

4 A The various interests were the  
5 interests of the school board, the interests of  
6 the Secretary -- the Commonwealth of Virginia's  
7 Secretary of Education, the interest of advocates  
8 on behalf of underrepresented minorities, the  
9 interest of people who support merit education,  
10 the interest of people who are exclusively focused  
11 on gifted education, the interest of people whose  
12 primary goal was defending the rights of  
13 Asian-Americans, and, finally, the groups who  
14 were -- who were anecdotally supporting, you know,  
15 more Whites at TJ.

16 Q And so the next sentence says "The  
17 current climate of acrimony serves no one, least  
18 of all, this board and administration."

19 So what is that referring to?

20 A It meant that this was a divisive  
21 issue. That it was an issue that was preventing  
22 the board from focusing on the pressing needs

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1 related to COVID, virtual learning, the needs and  
2 interests of the county as a whole, and was taking  
3 a disproportionate amount of the county's time up,  
4 addressing admissions at TJ, which we believe was  
5 due, in part, due to pressure coming from the  
6 Secretary of Education.

7 Q Okay.

8 (Coalition Exhibit 14 marked for  
9 identification and attached to the transcript.)

10 Q The court reporter's just handed you  
11 what we've marked as Exhibit 14.

12 A Yes.

13 Q Is this the second-look proposal that  
14 was attached to the email that we just saw?

15 A Yes.

16 Q Who prepared this document?

17 A Who wrote it?

18 Q Yes.

19 A It was prepared by one person in  
20 particular and commented on by multiple members of  
21 the core -- of the core group.

22 Q And who was that primary author that

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1 middle schools.

2 So we were taking that proposal, which  
3 was proposed and very much favored by the county  
4 in their effort to racially balance TJ, we took  
5 that proposal and did -- and used it in a way that  
6 would preserve what we felt was very important to  
7 TJ, which were the top students.

8 We felt that TJ, that the problem with  
9 the merit lottery was that it did not  
10 differentiate between the really, really top  
11 students at TJ, and they got no more better chance  
12 of getting into TJ than somebody who is 7,000th in  
13 the county, in terms of merit. And that this was  
14 a balanced proposal that would -- that would  
15 preserve merit at TJ, would preserve the  
16 standardized test at TJ, which we believe is a  
17 critical element to determine merit, and to make a  
18 correction to those standardized test scores that  
19 we believed was due to the county's  
20 underinvestment in preparation for kids in some of  
21 the middle schools in terms of taking standardized  
22 tests. And this was a way of giving a boost to

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1 school, rather than doing this based on regions  
2 with no emphasis based on the population of the  
3 region, et cetera. What this did is it took a --  
4 it would allow each school to have a certain  
5 minimum number of kids to get into the  
6 semifinalists program at TJ. So each school that  
7 had any -- that had more than five, as I recall,  
8 got one second-look semifinalist, and any school,  
9 even if they didn't have any semifinalists, would  
10 be able to pick five students from the top kids at  
11 that region, and have those recommended as  
12 second-look semifinalists, subject to county  
13 review.

14 So each one of the middle schools would  
15 be able to pick their top students. And our view  
16 was that it would allow schools that had  
17 historically higher percentages of Black and  
18 Hispanic students, where they had professors  
19 who -- or teachers who could recognize the top  
20 students they thought would flourish at TJ, to be  
21 able to pick those top kids and put them into the  
22 semifinalist pool automatically. But that --

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1     rather than having those kids, who might have had  
2     lower test scores because they didn't get in, so  
3     they, by definition, had lower test scores, it  
4     would allow their test scores to be trued up to  
5     the average of all the students, so all the  
6     students in the second-look pool would have a  
7     uniform bump to their standardized test score  
8     based on the difference between those top kids and  
9     the kids that got in. And so that the  
10    standardized test scores would be -- would be  
11    trued up.

12                   And so a kid who, let's say, kid who  
13    missed by one point on the standardized test score  
14    and who was picked by some school of being a  
15    really top performer, would not -- would get a --  
16    would get the same bump up as a kid who missed it  
17    by 22 points. So the kid that missed it by one  
18    point would be substantially higher than the kid  
19    who missed it by 22 points, but they would both be  
20    in the same pool.

21           Q     So the playing field for these students  
22    would be level going into the semifinalist group?

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1           A     No, it would be not leveled, leveled as  
2     a group. But on an individual basis, the kids in  
3     a second-look semifinalists would have different  
4     scores. Because although it would be bumped up by  
5     an identical margin, to bring them up to the mean  
6     bump, the individuals in that second look would  
7     have scores that varied based on the merit of the  
8     individual kids.

9                     And so the theory being that a kid who  
10    is a superstar, who just didn't quite make the  
11    second-look semifinalists, let's say this  
12    particular kid came from a middle school, an area  
13    that didn't have any resources or enrichment and  
14    had never taken a standardized test, and hadn't  
15    had any practice for taking these sorts of tests,  
16    but was so smart that they missed by only one  
17    point, and had they had any practice, whatsoever,  
18    they would have done really well, that that is the  
19    sort of kid that should be in the semifinalist  
20    pool to account for the fact that the county had  
21    neglected that particular kid.

22           Q     And did the coalition agree that those

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1 sorts of kids exist within Fairfax County?

2 MR. ROPER: Objection to form.

3 Q You made this proposal. You agreed  
4 that there are kids like this in Fairfax County,  
5 right?

6 MR. ROPER: Objection to form.

7 A We believe, the coalition believes that  
8 there were kids that are smart kids that have been  
9 neglected by the county and not given enrichment  
10 and not given STEM enrichment, not given practice  
11 taking standardized tests, and not have the same  
12 advantages as kids who have two parents and that  
13 the county has failed those kids by not investing,  
14 and that that is a significant reason why there  
15 are so many differences in the -- historically, in  
16 the demographics at TJ.

17 Q But you're proposing -- you proposed to  
18 increase their standardized test score. Was the  
19 theory behind that that the standardized test  
20 score of such a student would be lower because  
21 of -- for all the reasons that you just cited?

22 MR. ROPER: Objection to form.

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1 just talking about?

2 MR. ROPER: Objection to form. Beyond  
3 the scope of the 30(b)(6).

4 A Any kid, any kid that has -- not had  
5 practice taking a standardized test would benefit  
6 from more county resources invested into taking  
7 standardized tests.

8 Q Would the same go for any kid who  
9 hasn't had the benefit of a parent who can, as you  
10 said, a two-parent family or a parent who can put  
11 them into a class to learn how to take  
12 standardized tests?

13 MR. ROPER: Objection to form. Beyond  
14 the scope of the 30(b)(6) designation.

15 A Our view is that any kid that hasn't  
16 had practice could be benefited. It is also our  
17 view, however, that there is a disproportionate  
18 number of kids, who are Black and Hispanic, who  
19 live in parts of the county that are historically  
20 underrepresented. Those kids make up a  
21 significant number of the kids that would benefit  
22 from this program because the county has



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1 historically not invested in those areas.

2 So we believe that it would -- that  
3 this proposal would result in disproportionately  
4 more Black and more Hispanic students benefiting  
5 from this sort of a proposal, while still  
6 preserving merit at TJ, and not result in the sole  
7 group to have their numbers at TJ go down, being  
8 Asian-Americans.

9 MR. ROPER: And we've been going about  
10 70minutes.

11 MS. REWARI: Sorry. I lose track of  
12 time.

13 MR. ROPER: I don't know if you know  
14 how much more you have. Is now a good time for a  
15 break?

16 MS. REWARI: Yeah, I have a fair amount  
17 more, so why don't we take a break.

18

19 (Recess taken from 4:39 p.m. to  
20 4:54 p.m.)

21 BY MS. REWARI:

22 Q Mr. Miller, before the break we were

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1 not our responsibility.

2 Q And the second-look proposal was not  
3 adopted by the school board; is that correct?

4 A Yeah, it was ignored.

5 Q You -- and then, finally, you talked  
6 about some of the remedy that is being sought in  
7 this litigation and, you know, the importance of a  
8 standardized testing to the coalition. Can you  
9 differentiate for me between the coalition's  
10 policy positions and advocacy regarding TJ  
11 admissions and the remedy that the coalition is  
12 seeking in this litigation?

13 A Yeah, the Coalition for TJ's policy is  
14 that it wants a standardized test. That's its  
15 policy. That's what it has advocated for. Its  
16 remedy in the litigation, to differentiate  
17 between, is the current admission system, which we  
18 regard as unconstitutional, being joined and the  
19 Court, working with the county, come up with an  
20 alternative that passes constitutional muster.

21 MR. ROPER: No further questions.

22 MS. REWARI: I don't have any redirect.

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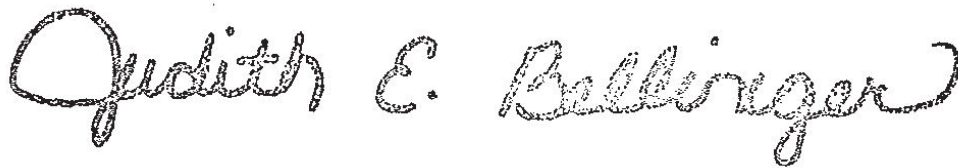
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CERTIFICATE OF REPORTER - NOTARY PUBLIC

I, JUDITH E. BELLINGER, RPR, CRR, the  
officer before whom the foregoing deposition was  
taken, do hereby certify that the foregoing  
transcript is a true and correct record of the  
testimony given; that said testimony was taken by  
me and thereafter reduced to typewriting under my  
direction; that reading and signing was not  
requested; and that I am neither counsel for,  
related to, nor employed by any of the parties to  
this case and have no interest, financial or  
otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set  
my hand and affixed my notarial seal this 5th day  
of November, 2021.

My Commission Expires: September 30, 2024

A handwritten signature in cursive script that reads "Judith E. Bellinger". The signature is written in dark ink and is positioned above the notary public text.

NOTARY PUBLIC IN AND FOR  
THE COMMONWEALTH OF VIRGINIA

No. 404859

Re: Deposition of **Glenn Miller, Designee**  
Date: 10/18/2021  
Case: Coalition for TJ -v- Fairfax County School Board  
Return to: transcripts@planetdepos.com

ACKNOWLEDGMENT OF DEPONENT

I, Glenn Miller, Designee, do hereby  
acknowledge that I have read and examined the  
foregoing testimony, and the same is a true, correct  
and complete transcription of the testimony given by  
me and any corrections appear on the attached Errata  
sheet signed by me.

11/30/2021

(Date)



(Signature)



(Signature)